

## **NEW MEXICO INDIAN AFFAIRS COMMITTEE**

September 24, 2012  
Dancing Eagle Casino Event Center  
Pueblo of Laguna

### **Statements Presented by Governors Vicente and Luarkie and The Joint Education Tribal Team**

Co-Chairs John Pinto and Roger Madalena and members of the committee, the Joint Education Tribal Team (JETT) wishes to thank you for the opportunity to present our concerns today.

We believe that improved educational outcomes for Acoma, Laguna, and Baca/Prewitt Chapter students can no longer be delayed or denied. To that purpose, we are here as part of a joint effort, to emphasize how Impact Aid and the Indian Policies and Procedures (IPP), when adequately and effectively implemented, can address disparities that our native students and their communities have experienced for decades. In support of this, we are seeking legislative action to establish a study that would examine Impact aid as it relates to the New Mexico state equalization guarantee distribution, while also determining its effectiveness in improving the educational achievement of our American Indian students.

JETT is comprised of the Acoma and Laguna Pueblo Governors, our boards of education, Laguna Education Task Force members, and the Navajo Baca/Prewitt Chapter President. Formed in 2012, the intent of this team has been to address the use and intent of Public Law 874, Impact Aid funds generated by Native American students enrolled in the Grants-Cibola County School District (GCCSD). We believe that revision of the present Indian Policies and Procedures needs to take place in a collaborative effort among our parents, the tribes and the school district. We believe meaningful consultation with the tribes also needs to take place. We, as tribes, want to ensure effective use of these funds. The law specifically requires that Local Education Agencies receiving Impact Aid for children living on Indian lands consult with tribal officials and parents of native children about the education program of the school district. Specifically, JETT seeks support from the Indian Affairs Committee in enacting and assisting with:

- a. The establishment of a joint legislative and executive study committee that will review and report on the SEG formula, comparing New Mexico school districts with other states which have both Indian student enrollments and no Indian student enrollments; other states' costs

of Impact Aid, their history, purpose and effectiveness. In addition, the report will include on the use of Impact Aid funds received by each of the NM public school districts.

It is our recommendation that the Joint Study Committee would be comprised of representatives from each the House and the Senate, State and tribal government representatives, public school district staff with Indian students and appropriate number of NM PED staff from the Indian education division .

Once established the joint study committee will have one year to complete and submit a written report with recommendations on Impact Aid funds, Indian Add-On, Special education Add-On and construction funds. The report will be made to the NM tribes, the legislators, school districts, the general public and other relevant entities.

- b. Ensuring that Impact Aid funding is supporting native student proficiency and improved educational outcomes and that the Indian Add on funding is spent directly on Indian students.
- c. Enlisting the support of the NM Public Education Department in holding school districts accountable to the Special Impact Aid Provisions for Local Education Agencies that Claim Children Residing on Indian Lands – per Title VIII of the Elementary and Secondary Education Act of 1965.
- d. And, State entity oversight of school districts in implementing the NM Indian Education Act and State Tribal Collaboration Act, thereby honoring the sovereign status of tribes in ensuring an adequate education for their tribal members. Federal and state mandates call for this deliberate consultation with all tribes and for the implementation of “consultation policies” that recognize, respect, and evidence how these mandates are being followed, which ultimately allow for better coordination and cooperation between departments, agencies, districts, and tribes for the benefit of native people in our state. Further, we believe the consultation that takes place needs to be “meaningful” consultation with tribal officials and parents of Indian students.

**I. Substantiation of underachievement reflecting JETT dissatisfaction of the Grants Cibola County District and the educational need of Indian students attending GCCS and statewide.**

Since No Child Left Behind was enacted, the state of New Mexico has implemented content standards instruction, challenging tests, and a NCLB accountability program-AYP to move schools towards greater academic success. The state of New Mexico required Districts, such as Grants Cibola County Schools to implement Educational Plans for Student Success that were meant to increase the academic performance of all students, especially the subgroups of American Indian and English Language Learners, and students with disabilities.

**Statewide Reading and Math Proficiencies**

<b>Table 1. American Indian</b>			
<b>STATEWIDE READING PROFICIENCY</b>			
<b>Source:</b>			
<a href="http://www.ped.state.nm.us/AssessmentAccountability/AcademicGrowth/NMSBA.html">http://www.ped.state.nm.us/AssessmentAccountability/AcademicGrowth/NMSBA.html</a>			
Grade	Number Tested	Proficient & Above	Number Proficient
03	2,443	36.3%	886
04	2,479	34.5%	855
05	2,420	35.5%	860
06	2,384	31.3%	746
07	2,494	30.7%	765
08	2,354	41.7%	982
10	2,309	20.8%	481
11	2,683	29.6%	795

<b>Table 2. American Indian</b> <b>STATEWIDE MATH PROFICIENCY</b> <b>: <a href="http://www.ped.state.nm.us/AssessmentAccountability/AcademicGrowth/NMSBA.html">http://www.ped.state.nm.us/AssessmentAccountability/AcademicGrowth/NMSBA.html</a></b>			
Grade	Number Tested	Proficient & Above	Number Proficient
03	2,442	37.0%	903
04	2,478	30.3%	750
05	2,419	29.5%	714
06	2,383	24.8%	592
07	2,494	29.7%	740
08	2,350	27.8%	654
10	2,308	18.0%	416
11	2,681	27.5%	736

Tables (1 and 2) above show the few American Indian students (statewide) who were able to score at the proficient level in reading and math.

- Elementary Indian Students: Tables 1 & 2 show approximately 1/3 of students tested were proficient in reading or math..
- Middle School Indian Students: Tables 1 & 2 show between 30% and 42% of students tested were proficient in reading or math.
- High School Indian Students: Tables 1 & 2 show between 21% and 30% of students tested were proficient in reading or math.

In summary, statewide data shown above shows the disappointing number of American Indian students in all schools who have not scored proficiently in reading and math. The implications for New Mexico tribes and the state itself are substantial.

# GRANTS CIBOLA COUNTY SCHOOLS

## Reading and Math Proficiencies

Table 3. SBA 2011-2012 GCCS

	READING:		MATH		
	Number of Indian Students Tested-Reading	READING: Percent Prof + Advanced	Number of Indian Students Scored Proficient	Percent Prof + Advanced	Number of Indian Students Scored Proficient
Gr. 3	96	34.4%	33	35.4%	34
Gr. 4	98	43.9%	43	36.7%	36
Gr. 5	83	22.9%	19	18.1%	15
Gr. 6	84	36.9%	31	38.1%	32
Gr. 7	114	35.1%	40	34.2%	39
Gr. 8	113	32.7%	37	22.1%	25
Gr. 10	129	14.7%	19	10.1%	13
Gr. 11	147	32.0%	47	32.7%	48

Table 4. GCCS School Grades for 2011-2012

	Grade	Current Standing	School Growth	School Growth of Highest Performing Students	School Growth of Lowest Performing Students
Laguna Acoma HS	C	B (17.0 pts)	-----	B (12.6pts)	F (3.7 pts)
Grants HS	C	B (14.8 pts)	-----	C (6.9 pts)	C (7.4 pts)
Cubero	C	D (15.9 pts)	C (5.7 pts)	C (7.3 pts)	C (14.2 pts)
Mt. Taylor	D	D (19.2 Pts)	F (2.6 pts)	F (0.7 pts)	F (6.4 pts)
Los Alamitos	C	D (15.8 pts)	C (5.4 pts)	C (8.2 pts)	D (12.6 pts)
Mesa View	B	F (12.7 pts)	A (9.5 pts)	B (13.5 pts)	D (12.9 pts)
Laguna Acoma MS	D	F (12.6 pts)	D (4.6 pts)	C (7.4 pts)	D (13.1 pts)
Seboyeta	B	D (18.2 pts)	B (7.5 pts)	B (13.6 pts)	D (12.7 pts)

	SBA Reading Percent Proficient	SBA Math Percent Proficient
Laguna-Acoma HS	<b>27.9%</b>	<b>29.3%</b>
Grants HS	<b>20.5%</b>	<b>15.3%</b>
Cubero	<b>41.2%</b>	<b>37.2%</b>
Mt. Taylor	<b>34%</b>	<b>39.8%</b>
Los Alamitos	<b>33.1%</b>	<b>28%</b>
Mesa View	<b>26.1%</b>	<b>17.4%</b>
Laguna Acoma MS	<b>36.2%</b>	<b>29.3%</b>
Seboyeta	---	---

Grants Cibola County experiences similar profound underachievement by American Indian students in all schools. Growth and improvement has occurred as shown in the School Report Card grades. However SBA proficiencies are unsatisfactory to all concerned. While the data only reports for 2011-2012, previous years performances are similar.

Notwithstanding all the federal, state, and local monies that have funded the various programs and interventions, the tribes of Acoma, Laguna, and Navajo Baca Chapter continue to see most of their children unable to demonstrate proficiency. The career dreams, quality of life, and tribal prosperity has been jeopardized as students have their adult opportunities limited by their inability to be academically successful.

### Conclusions

- There are many factors that affect test performances, some which schools can have a direct impact on, while other factors are outside the direct instructional influence of schools.
- The recent GCCS school grades reports varying degrees of school effectiveness. There are positive developments within all schools that should be maintained, while improving on those areas of weakness.
- The percent of American Indian students who are proficient, statewide and at GCCS continues to be unsatisfactory to all stakeholders and particularly to tribes whose prosperity and well-being is affected by such low performances.
- To this date, the tribes have not received separate reports on their own students so as to evaluate academic progress for their own tribe's interests.
- More effective strategies and techniques must be developed especially for the needs of English language learners and students with disabilities.
- Common Core standards require differentiation to ensure content mastery is achieved, academic language is developed, and English Language Proficiency is improved.

Based on the finding of educational need above the following issues summarize our concerns and serve as the basis for an examination of funds utilization, effective program development, and meaningful partnerships of tribal officials, parents, with school districts, such as Grants Cibola County Schools.

1. That the local, state and federal funds, particularly Impact Aid, be used appropriately on programs, strategies and interventions known to impact American Indian learning.
2. That the instruction of the new Common Core standards incorporate daily, in all subjects, our culture, history, language, and family life to build a meaningful connection between school and home,
3. That the New Mexico Educational Flexibility Plan reduce significantly the academic achievement gap experienced by American Indian students; small incremental growth is unacceptable.
4. That the needs of American Indian students who are English language learners and students with disabilities be met with the new Plan so that they can learn the academic language and improve their English language proficiency.
5. That the State and GCCS foster meaningful productive partnerships, via the IPP, with Indian parents and tribes so that that the huge academic challenge facing schools, parents, and tribes can be met together.

## **II. Impact Aid, Indian Policies and Procedures (IPP), and NM Indian Education Act**

- a. JETT has confirmed that **meaningful tribal consultation and involvement in development of the districts' IPP needs to take place.** To address this concern, we propose a formal collaboration process for revising the IPP, which currently does not exist and subsequently does not meet the needs of the three tribal communities who are part of the JETT partnership. We would like the GCCS to adopt a new process and timeline as soon as possible for the upcoming Impact Aid application.
- b. **There are inconsistencies among the school districts in NM regarding who officially signs off on the Indian Policies and Procedures (IPP).** The tribes have always been lead to believe they were required to sign off. For the last school year the Pueblo of Laguna refused to sign the IPP; the Pueblo of Acoma, and Baca Chapter did sign-off. GCCS submitted the Impact Aid application with the Indian Parent Advisory Committee signature. In contrast, the Bernalillo School District submitted their application with full sign-off by all seven Pueblo governors. We believe that required tribal sign-off should be enforced at the federal level. It is our understanding that the NM Indian Education Act does require tribal sign off on the IPP. To support this, we feel that there needs to be greater consistency, clarification, and communication with and between the districts and tribes on appropriate sign-off and the provisions that support it.
- c. **In the GCCS the JETT wants meaningful consultation and involvement of the tribes in the development and implementation of the Indian Policies and Procedures.** The



present IPP is not acceptable and needs to be revised. The present IPP is not being implemented as written and approved by the school board.

- d. We want to make clear that **Impact Aid Set Aside, Add-On funds need to be spent directly on Indian students** to help us get past the disparities. To this end, school districts need to work collaboratively with the tribes to determine the needs of tribal students and the effective expenditure of those funds. In addition, all budgets and expenditures of the school district need to be made available to tribes, with adequate reporting of those resources to the parents of tribal students.
- e. We want to ensure that **the Indian Policies and Procedures must meet all eight federal regulations and requirements**. These regulations confirm whether native students participate on an equal basis with non-native students in the educational program and activities provided by the school district. When all eight regulations are incorporated into the IPP, disparities can be addressed and lessened.
- f. We believe that **the tribes need active and consistent support from the NM Public Education Department in ensuring that the school districts are held accountable in the development and implementation of the IPP, that all districts are all held accountable for appropriate consultation and sign-off, that the Indian Add-on, Set Aside is spent directly on services and supports for Indian students**.
- g. **The New Mexico Indian Education Act and NM State Tribal Collaboration Act need to be enforced and districts need to be in compliance with State oversight. Up to now, there is no consequence to school districts who do not fulfill these laws. State legislative support is needed.**
- h. We would like to see **the earmarks in the NM Indian Education Act eliminated** thereby allowing tribes to have access to the funds.